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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GARY YODER,

Plaintiff - Appellant,

v.

JANET NAPOLITANO,

Defendant - Appellee.

No. 07-16865

D.C. No. CV-06-00800-SRB

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Arizona
Honorable Susan R. Bolton, U.S. District Judge, Presiding

Submitted April 15, 2008^{**}

Before: B. FLETCHER, FISHER and PAEZ, Circuit Judges.

A review of the record indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). It does not

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

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appear that the district court erred when it dismissed this case for failure to exhaust administrative remedies. *See Woodford v. Ngo*, 548 U.S. 81 (2006); *Brown v. Valoff*, 422 F.3d 926, 934-35 (9th Cir. 2005).

Accordingly, we summarily affirm the district court's judgment.

All pending motions are denied as moot.

AFFIRMED.